

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

MISC. 3:06-mc-84

**IN THE MATTER OF                   :**  
  :  
**DISTRIBUTION OF STATE :**                   **ORDER**  
  :  
**DEATH PENALTY CASES**  
  
**AND FEDERAL CAPITAL CASES**

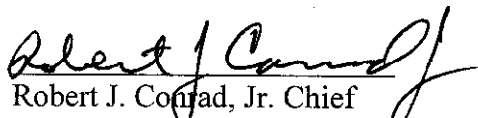
The following case assignment and case reassignment allocations will be applied throughout the district, with no consideration given to the division in which a particular death penalty case may have been filed. Unless specifically stated otherwise, these case assignment and case reassignment allocations are effective *July 3, 2006*, and shall supercede all other prior orders of this Court pertaining to death penalty and federal capital cases.

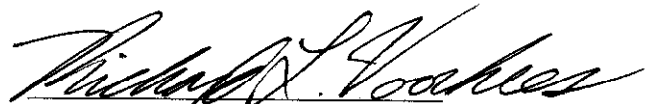
1. All cases will be assigned among the active District Court Judges on an alternating basis between Judge Voorhees, Judge Conrad, Judge Whitney and Judge Thornburg, regardless of the division in which the case is filed or originated.
2. Case assignments will be adjusted from time to time by the chief judge and the other judges involved based on the particular circumstances of a given case, or the relative death penalty caseloads then being worked by all judges in the district. This assignment may be without resort to divisions of origin if the relative number of cases held by the several judges is uneven.
3. Judge Thornburg will not be assigned any case in which he has a conflict by virtue of his service as North Carolina Attorney General. Judge Conrad and Judge Whitney will not be assigned any case in which they have a conflict by virtue of their service as the United States Attorney.

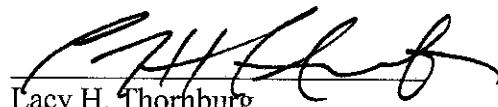
4. In cases of conflict of interest or other reason why a judge should not be assigned a given case, assignment will be by random assignment among the other judges of the district taking death penalty cases.
5. Senior Judge Mullen shall review his death penalty assignments and reassign by separate Order any of his cases to Judge Whitney.
6. Cases may be reassigned to another judge after consultation with the affected judge(s) and the chief judge of the district and without further Order of this court.

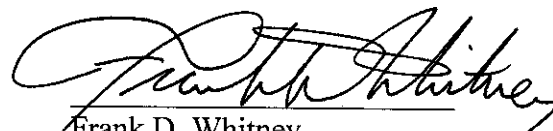
The Clerk is directed to serve copies of this Order to all District Court Judges, all Magistrate Judges, the United States Attorney, the Chief United States Probation Officer, the United States Marshall, all deputy clerks and all court reporters.

**IT IS SO ORDERED**, this 3<sup>rd</sup> day of July, 2006.

  
Robert J. Conrad, Jr. Chief  
United States District Court Judge

  
Richard L. Voorhees  
United States District Judge

  
Lacy H. Thornburg  
United States District Judge

  
Frank D. Whitney  
United States District Judge